

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-22 have been rejected. Applicants respectfully request reconsideration of the application in view of the remarks submitted in support thereof.

Obviousness Rejections under 35 U.S.C. §103(a)

Claims 1-11, 13, and 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,172,990 to Deb et al. in view of Braccini et al., *Interprocess Communication Dependency on Network Load*, IEEE Transactions on Software Engineering, Vol. 17, No. 4, April 1991. Claims 12 and 14 stand rejected under Deb et al. in view of Braccini et al. and over U.S. Patent No. 5,909,564 to Alexander et al. As will be fully explained below, the combination of Deb et al. in view of Braccini et al. and Alexander et al. does not raise a *prima facie* case of obviousness against independent claims 1, 13, 19, and 20.

Independent claim 1 defines a method for processing storage data. In particular, independent claim 1 defines encapsulating serialized storage data with a simple transport protocol (STP). Independent claims 13, 19, and 20 define methods for communicating data. Specifically, independent claims 13, 19, and 20 define attaching simple transport protocol (STP) headers to data to produce STP packets.

In support of the 35 U.S.C. §103(a) rejection, the Examiner noted that Braccini et al. teach or suggest STP protocol and STP headers. Applicants respectfully traverse the Examiner's characterization of Braccini et al. relative to the independent claims because the portion of the reference relied upon by the Examiner (Abstract) does not teach STP protocol and STP headers. Specifically, in the abstract, Braccini et al. disclose a "lightweight

transport protocol.” Braccini et al. further clarify a “‘light-weight’ protocol suite referred to as ESP/EDP (Ethernet Sequencing Protocol/Ethernet Datagram Protocol)” (page 365, Section B). Accordingly, Braccini et al. only disclose Ethernet Sequencing Protocol and Ethernet Datagram Protocol. Ethernet Sequencing Protocol and Ethernet Datagram Protocol are simply not STP protocol and STP headers. As such, Braccini et al. cannot reasonably be considered to teach or suggest the STP protocol and STP headers, as defined in independent claims 1, 13, 19, and 20.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, in view of the incorrect characterization of Braccini et al., the references as combined do not teach all the features of the claimed invention. Accordingly, Applicants submit that independent claims 1, 13, 19, and 20 are patentable under 35 U.S.C. §103(a) over Deb et al. in view of Braccini et al. Claims 2-12, 14-18, and 21-22, each of which depends directly or indirectly from independent claims 1, 13, 19, and 20, are likewise patentable under 35 U.S.C. §103(a) over Deb et al. in view of Braccini et al. and Alexander et al. for at least the same reasons set forth for independent claims 1, 13, 19, and 20. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 1-22.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all pending claims 1-22 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this request, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085B). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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